

Entered - 11-14/00 - sb
CL 00L0697 - ALEXIS HOLMES

01- *R* -0797

CLAIM OF: **LAURA HUNTER**

Through her Attorneys

McCalla, Raymer, Padrick, Cobb, Nichols & Clark
1544 Old Alabama Road
Roswell, Georgia 30076

For damages alleged to have been sustained as a result of the City implementing a future project, "Relief Option North Fork Peachtree Creek," at 2141 Virginia Place.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0240

Date: 3/28/01

Claimant /Victim LAURA HUNTER

BY: (Atty) McCalla, Raymer, Padrick, Cobb, Nichols & Clark, LLC

Address: 1544 Old Alabama Road Roswell, Georgia 30076

Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____

Date of Notice: 2/28/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Unspecified Place: 2141 Virginia Place

Department: Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she might sustain property damages after the City proceeds with project plan “Relief Option North Fork Peachtree Creek,” proposed access road/easement for siphon site and future access for auxiliary sewer line. However, the City has not implemented this project, and therefore any claims for damages arising out of future projects are purely speculation, and therefore, this claim is considered premature.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written X Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice _____ More than Six Months _____ Other X Damages reasonable

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse ☒ Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 05/17/01 Committee Action: _____ Council Action _____

LAW OFFICES
McCALLA, RAYMER, PADRICK, COBB, NICHOLS & CLARK, LLC

MAIN OFFICE
1544 OLD ALABAMA ROAD
ROSWELL, GEORGIA 30076

TELEPHONE: 770-804-0400
TELEFAX: 770-804-2550

*Deane Mitchell
PFI*
Adrian, John

JOHN G. ALDRIDGE, JR.
PENNI A. ALPER (TN)
PETER L. BANKS
CAROL V. CLARK
IKE W. COBB
JENNIFER L. DICKENSON (NY)
LINDA S. FINLEY (FL)
STEVEN S. GOLDEN
PETER L. LUBLIN (DC, VA)
R. NEAL MANNERS
STANLEY H. McCALLA, SR.
SCOTT H. MICHALOVE
LYLE D. NICHOLS
DANIEL D. PHELAN (MI, FL)
BOB G. POPE
RICHARD E. RAYMER
GLEN D. RUBIN (NY)
SHELL L. RUTLEDGE
JAMES SCOTT SIBOLD
RICHARD H. SIEGEL

COMER W. PADRICK, JR.
1926-1998

PAUL M. ALEXANDER
JENNIFER LATISE CLARK
ROBERT D. COATS
MARISSA G. CONNORS (FL)
MATTHEW W. DOMINICK
BRIAN A. GARDINER (IN)
MONICA K. GILROY
DIANA JEANNINE HALL (MS)
DONALD R. HICKS
ROBERT J. HULSEY
FRANK J. KRALICEK
CARL B. MCGEEHEE, JR.
PATRICIA A. MCKENZIE
JOSEPH R. PAILTHORPE
JIGHNASHA G. PATEL
ANN C. PORTER
JOHN D. SCHLOTTER (CA)
ROBERT MICHAEL SHEFFIELD
JUDITH F. SLOMAN
JULIE J. SROCHI
MARY IDA TOWNSON (NY)
TRACY CARROLL TRITE
MITZI S. WEST (NC)

PERIMETER OFFICE
SUITE 320
56 PERIMETER CENTER EAST, N.E.
ATLANTA, GEORGIA 30346
TELEPHONE: 770-804-1044

NORTH PARK OFFICE
1000 ABERNATHY ROAD
BUILDING 400, SUITE 195
ATLANTA, GEORGIA 30328
TELEPHONE: 770-350-0170

NORTHLAKE OFFICE
SUITE 100
2301 PARKLAKE DRIVE, N.E.
ATLANTA, GEORGIA 30345
TELEPHONE: 770-934-4240

PEACHTREE CORNERS OFFICE
6316 SPALDING DRIVE
NORCROSS, GEORGIA 30092
TELEPHONE: 770-441-9829

GWINNETT OFFICE
SUITE 1101
5425 SUGARLOAF PARKWAY
LAWRENCEVILLE, GEORGIA 30043
TELEPHONE: 678-985-3091

MARIETTA OFFICE
50 WHITLOCK PLACE
MARIETTA, GEORGIA 30064
TELEPHONE: 770-426-7850

WOODSTOCK OFFICE
SUITE 150
220 CINEMA VIEW DRIVE
WOODSTOCK, GEORGIA 30189
TELEPHONE: 770-516-0777

PAULDING COUNTY OFFICE
SUITE 106
168 N. JOHNSTON STREET
DALLAS, GEORGIA 30132
TELEPHONE: 770-443-3503

ENTERED - 4-17-01 - SB
01L0240 - ALEXIS HOLMES

February 22, 2001

Holmes
03/28/01
Dr

VIA CERTIFIED MAIL Z 178 218 745

The City of Atlanta
c/o The Honorable William Campbell, Mayor
55 Trinity Avenue, S.W.
Suite 2400
Atlanta, Georgia 30335

Re: City of Atlanta Public Works Project, Relief Option North Fork Peachtree Creek,
proposed access road/easement for siphon site and future access for auxiliary
sewer line, "Alternate No. 3" (the "Project" or "Project site")
Our File Number: H0113-001

Dear Mayor Campbell:

The undersigned and this firm represent Ms. Laura Hunter regarding the impact of the above-referenced Project to Ms. Hunter's interests. The purpose of this letter is to initiate dialogue between the City of Atlanta and Ms. Hunter. Further, this letter is to provide the City of Atlanta with ante litem notice pursuant to O.C.G.A. § 36-33-5.

My client's property is located in the Peachtree Hills neighborhood at 2141 Virginia Place, City of Atlanta (the "Property"). The Property is adjacent to land upon which the Project may be

The Honorable William Campbell, Mayor
February 22, 2001
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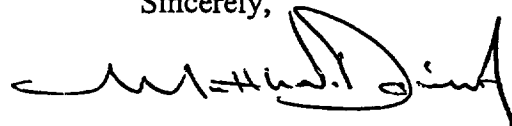
constructed. Due to the Project's proximity to Ms. Hunter's property and the nature of the Project, Ms. Hunter is concerned that construction activities will harm her property both during and after the construction phase of the Project. It is inevitable that heavy machinery will be used to construct the proposed easement; additionally, there is the possibility that blasting will be necessary during construction. The use of heavy equipment, and possibly explosives, near Ms. Hunter's house will likely cause substantial damage to the Property. Furthermore, after the construction phase of the Project, the use and maintenance of the easement will inevitably adversely impact the fair market value of Ms. Hunter's property. In addition to the unsightliness of the easement, the road will invite trespassers to use the road to access Peachtree Creek, thereby creating a security risk.

Additionally, Ms. Hunter is concerned about the Project's impact upon the environment. Due to Peachtree Creek's propensity to flood, the construction of the Project along Alternate No. 3 would likely compound existing environmental problems. The proposed road cut for the route would make the area susceptible to tremendous erosion due to the route's relatively long traverse through the one-hundred (100) year flood plain of Peachtree Creek. The potential for erosion and particulate pollution is high. Depending upon the nature of the Project's funding, it may be necessary for the City to undertake actions required under the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.* ("NEPA") and the Georgia Environmental Policy Act, O.C.G.A. § 12-16-1, *et seq.* ("GEPA"), including the necessity of the requisite environmental impact studies.

The synergistic and cumulative effects of constructing the Project along the above-referenced route will substantially and negatively impact my client's use and enjoyment of her property. In the event the City does not choose a more appropriate route, or make a fair offer to Ms. Hunter to compensate her for the Project's adverse effects upon her interests, including her property, Ms. Hunter will file suit against the City of Atlanta showing, among other things, inverse condemnation, nuisance and trespass.

Please cause the appropriate public official to contact me so that we may discuss the situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Dominick", written in a cursive style.

Matthew W. Dominick

MWD:hmp

The Honorable William Campbell, Mayor

February 22, 2001

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cc: Ms. Laura G. Hunter
Carol V. Clark, Esq.
Mr. Norman Koplon (via certified mail)
Mr. David W. Peters, P.E. ✓
Honorable Lee Morris

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